

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKBRIDGE**

**VIRGINIA STATE BAR EX REL  
EIGHTH DISTRICT COMMITTEE  
VSB Docket No. 23-080-127198**

**Complainant,**

**v.**

**Case No. 23000787-00**

**JARED RYAN JENKINS**

**Respondent.**

**FINAL MEMORANDUM ORDER**

**THIS MATTER** was heard on January 17, 2024 before a Three-Judge Circuit Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia (1950) as amended, consisting of the Hon. Robert M. D. Turk of the Twenty-Seventh Judicial Circuit as Chief Judge Designate (“Chief Judge”); the Hon. Bruce D. Albertson of the Twenty-Sixth Judicial Circuit as Judge; and the Hon. F. Patrick Yeatts of the Twenty-Fourth Judicial Circuit as Judge (collectively, “the Court”).

Assistant Bar Counsel Paulo E. Franco, Jr. represented the Virginia State Bar (“VSB”). Respondent, having received proper notice, appeared in person at all times throughout the proceedings and acted *pro se*.

The Chief Judge swore the court reporter, and each member of the Court verified that he had no personal or financial interest that might affect or reasonably be perceived to affect his ability to be impartial in this matter.

**WHEREUPON** a hearing was conducted upon the Rule to Show Cause issued on November 8, 2023 against Respondent. The Rule directed Respondent to appear and to show

cause why his license to practice law in the Commonwealth of Virginia should not be suspended, revoked, or otherwise sanctioned by reason of the allegations of ethical misconduct set forth in the Certification issued on August 8, 2023 (the "Certification") by a subcommittee of the Eighth District Committee of the VSB.

### **MISCONDUCT PHASE**

Pursuant to a Pre-Hearing Conference held on January 12, 2024 at 2:30 p.m., the Court admitted VSB Exhibits 1-28 into evidence without objection. The Court admitted Respondent's Exhibits 1, 3-8, 10-11, 13, 15-17, and 19-20 in full; admitted pages 157 and 158 of Respondent's Exhibit 12 and pages 182-190 of Respondent's Exhibit 18; and refused Respondent's Exhibits 9 and 14 in full, and page 232 of Respondent's Exhibit 21. Prior to opening arguments, Respondent moved Respondent's Exhibits 23 and 24 into evidence without objection by the VSB. Thereafter, the parties presented opening arguments. During the Misconduct phase, the VSB called the following witnesses:

1. VSB Investigator Robert Baker;
2. Larry Mann;
3. Julie Crowder;
4. Lucas Penix;

Thereafter, the VSB rested and the parties argued Respondent's Motion to Strike all the allegations of Misconduct set forth in the Certification. The Court retired to deliberate and announced in open Court that it denied the Respondent's Motion to Strike based on a review of the evidence in the light most favorable to the VSB. Respondent called Don J. Dudley as his only witnesses in the Misconduct phase and then rested.

At the conclusion of all the evidence in the Misconduct phase, counsel presented closing arguments to the Court. Upon due deliberation and consideration of the parties' exhibits, witness testimony, and the arguments of counsel, the Court made the following findings of fact by clear and convincing evidence and then made the following conclusions of law with respect to the allegations in the Certification.

### FINDINGS OF FACT

1. Respondent was admitted to the VSB on April 24, 2008. At all relevant times, Respondent was a member of the VSB. (VSB Ex. 3)
2. On January 18, 2022, Respondent filed a Motion to Intervene in a case styled *Christopher L. Irvine v. Joanne D. Moore on behalf of the Dudley Land Trust*, in the Circuit Court of Rockbridge County, Case No. CL21000897-00. (VSB Ex. 5f), a matter presided over by the Hon. Christopher B. Russell, Juge of the Circuit Court of Rockbridge County.
3. In that motion, Respondent wrote that the "Parties and the Court have ignored multiple procedural safeguards designed to ensure the property of a Trust is not stolen from that Trust," that "Intervenors seek an explanation of the current posture of this case, an explanation of the authority supporting the actions taken, and reconsideration of those actions," and further wrote "If these actions are allowed to stand, the citizens of Rockbridge County will rightfully question the rule of law." (VSB Ex. 5f at p. 169)
4. Counsel for Mr. Irvine filed a response to the Motion to Intervene citing relevant case law and alleging that the Motion to Intervene violated Va. Code § 8.01-271.1.
5. Judge Russell heard the Motion to Intervene on June 2, 2022. (VSB Ex. 5q)
6. During that hearing, Respondent stated to Judge Russell, "If we're going to ignore this statute on behalf of Chris Irvine, what other statutes are we going to ignore?" a statement to which Judge Russell took offense. Judge Russell thereafter stated he would award sanctions. (VSB Ex. 5q at p. 234)
7. On June 21, 2022, Judge Russell entered an order finding that several of the statements in Respondent's January 18, 2022 Motion to Intervene were false, offensive, and insulting to counsel and Judge Russell; violated Va. Code § 8.01-271.1; and ordered Respondent to pay \$4,000 to counsel for Mr. Irvine within 15 days. (VSB Ex. 5k)
8. On August 23, 2022, counsel for Mr. Irvine filed a Motion for a Rule to Show Cause for Respondent's failure to pay the sanction awarded in the Order of June 21, 2022. (VSB Ex. 5m)

9. VSB Investigator Robert Baker testified that during his interview with Respondent during the investigation of this matter, Respondent told him he intentionally did not pay the sanction as he was waiting for an appealable order. (Testimony of Investigator Baker, VSB Ex. 4 at p. 97)

10. Respondent was duly served with a Rule to Show Cause dated September 14, 2022, returnable to October 6, 2022 to show cause why he should not be held in contempt for failure to obey Judge Russell's Order of June 21, 2022. (VSB Ex. 5l)

11. On September 29, 2022, Respondent filed a written response to the Rule to Show Cause. (VSB Ex. 5n)

12. In that response, Respondent wrote that that case was rife with unethical conduct. (*Id.* at p. 199)

13. Respondent further wrote that Judge Russell's wrongful and unethical assertion of judicial power must be resisted, that Judge Russell would not consider his actions and those of opposing counsel unethical or giving rise to the appearance of unethical conduct, that Judge Russell and others believed they were above the law and could achieve their desired ends without caring if their means were lawful, and, among other things, that Judge Russell felt his unethical collusion would be legal and beyond question merely by virtue of his order. (*Id.* at p. 200).

14. At the conclusion of his response to the Rule to Show Cause, Respondent wrote the following:

If the Court will go to these lengths for these purposes, it is reasonable to ask to what lengths and for what other purposes the Court has wrongfully attempted or will attempt to use its self-assumed power, particularly regarding the Court's civil docket. Ignoring the laws designed to protect the beneficiaries of a land trust and selling the land out from under them undermines any confidence that land in other trusts will be protected by the rule of law. Without the confidence and support of the public, a judge has no more legal authority than anyone else in a robe signing their name to random paperwork.

(*Id.* at pp. 200-201)

15. Judge Russell held a hearing on the Rule to Show Cause on October 6, 2022. (VSB Ex. 5r)

16. During that hearing, Judge Russell found that Respondent was in contempt of court, ordered Respondent to pay \$200 per day from October 6, 2022 going forward until the sanction Order of June 21, 2022 was paid, and that if Respondent had not paid by November 10, 2022, he would be sentenced to 60 days in jail. (*Id.* at p. 243).

17. Thereafter, Respondent asked Judge Russell whether he had any concerns over his lack of subject matter jurisdiction in the case (*Id.* at p. 244).

18. Judge Russell thereafter ordered Respondent to appear on October 20, 2022 to show cause why his privilege to practice before the Rockbridge County Circuit Court should not be revoked, to which Respondent once again asked Judge Russell whether he was concerned about his lack of subject matter jurisdiction. (*Id.* at p. 245).

19. A Rule to Show Cause returnable to October 20, 2022 was served on Respondent on October 6, 2022 (VSB Ex. 19a)

20. On October 13, 2022, Respondent filed a Petition for a Writ of Mandamus and Prohibition in the Court of Appeals of Virginia and renewed the accusations he levied against Judge Russell in his response to the Rule to Show Cause. (VSB Ex. 5b at pp. 139-141)

21. The Court of Appeals of Virginia denied the Petition for Writ of Mandamus and Prohibition on October 19, 2022. (VSB Ex. 24i)

22. On October 19, 2022, Respondent authored an email to his colleagues in the Rockbridge Bar stating, among other things, that Judge Russell ruled the wrong way in the *Irvine* case, that Judge Russell would rather send Respondent to jail than admit he was wrong, and that Judge Russell's actions in sanctioning Respondent amounted to tyranny. (Respondent Ex. 21 at p. 231).

23. Respondent included Judge Russell as a recipient of the October 19, 2022 email. (Respondent Ex. 21 at p. 231, VSB Ex. 19h at p.439)

24. On October 20, 2022, Judge Russell conducted a hearing on the issue of revoking Respondent's privilege to practice law before the Circuit Court of Rockbridge County. (VSB Ex. 19h, Respondent Ex. 23, p. 240)

25. At the conclusion of that hearing, Judge Russell revoked Respondent's privilege to practice law in the Circuit Court of Rockbridge County. (VSB Ex. 19h at p. 453, Respondent Ex. 23 at p. 254)

26. On October 21, 2022, Judge Russell entered a written order revoking Respondent's privilege to practice law in the Circuit Court of Rockbridge County. (VSB Ex. 19e)

27. Respondent filed timely appeals of Judge Russell's contempt order of June 21, 2022 to the Court of Appeals of Virginia (CAV Record No. 1719-22-3 (VSB Ex. 27)) and the October 21, 2022 order revoking his privilege to practice law in the Rockbridge County Circuit Court (CAV Record No. 1718-22-3 (VSB Ex. 25)). Respondent also appealed the monetary sanction award in Judge Russell's order of June 21, 2022 (Respondent Ex. 24)

28. On October 17, 2023, the Court of Appeals of Virginia issued an unpublished opinion affirming Judge Russell's decision to revoke Respondent's privilege to practice law in Rockbridge County, finding that Respondent "did not present any evidence to support his allegations in the September 29, 2022 response," and that Respondent's "unfounded attacks

against the integrity of the circuit court constituted misconduct for which the circuit court was permitted to discipline him.” (Respondent Ex. 17 at page 178-79)

29. On January 11, 2024, the Court of Appeals of Virginia affirmed the monetary sanctions Judge Russell issued against Respondent. (Respondent Ex. 24)

30. The Court of Appeals of Virginia found that Judge Russell did not abuse his discretion in finding that the January 18, 2022 Motion to Intervene violated Va. Code § 8.01-271.1, and that the motion was filed for an improper purpose. (Respondent Ex. 24 at page 265).

31. Respondent represented to the Court that he was appealing the various decisions of the Court of Appeals of Virginia affirming Judge Russell’s orders to the Supreme Court of Virginia (Argument of Respondent)

32. The Court finds that the Virginia State Bar failed to prove by clear and convincing evidence, the following violations of the Virginia Rules of Professional Conduct alleged in the Certification and dismisses the same: Rule 3.1 (Meritorious Claims and Contentions); Rule 8.1(a) and (b) (Bar Admission and Disciplinary Matters); and Rule 8.4 (b) and (c) (Misconduct).

33. The Court finds that the Virginia State Bar proved by clear and convincing evidence violations of the following Virginia Rules of Professional Conduct alleged in the Certification and makes the following Findings of Misconduct

### **FINDINGS OF MISCODUCT**

*By going beyond reasonably questioning the court's ruling, knowingly not paying the sanction award in a timely fashion or taking appropriate action to challenge the court's ruling, and instead filing contemptuous pleadings and accusing the court of corruption, Respondent violated Rule 3.4 as follows.*

#### **Rule 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

\* \* \*

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

\* \* \* \*

*By making false statements about the court's integrity and accusing it of corruption and illegality, Respondent violated Rule 8.2 as follows.*

\* \* \* \*

**Rule 8.2 Judicial Officials**

A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge or other judicial officer.

\* \* \* \*

**IMPOSITION OF SANCTIONS**

The Court then proceeded to the sanctions phase of the proceeding. The VSB incorporated by reference all of the exhibits introduced and the testimony elicited during the Misconduct phase of the hearing, as did Respondent. The VSB then advised the Court that Respondent had no prior disciplinary history. The Court received Respondent's Exhibit 25 during the sanctions phase of the hearing without objection. Counsel for the VSB and Respondent presented argument regarding the sanction to be imposed on Respondent for the Misconduct found, and the Court recessed to deliberate.

**DETERMINATION**

After due consideration of the evidence as to mitigation and aggravation and argument of counsel, the Court reconvened to announce its sanction of **SUSPENSION** of Respondent's license to practice law in the Commonwealth of Virginia for a period of **NINE (9) MONTHS** effective immediately on January 17, 2024.

Accordingly, it is hereby **ORDERED** that Respondent's license to practice law in the Commonwealth of Virginia be and same is hereby **SUSPENDED** for a period of **NINE (9) MONTHS**, effective January 17, 2024.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Respondent must

forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. Respondent must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. Respondent must give such notice immediately and in no event later than 14 days of the effective date of the suspension, and make such arrangements as are required herein as soon as practicable and in no event later than 45 days of the effective date of the suspension. Respondent must also furnish proof to the VSB within 60 days of the effective date of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if Respondent is not handling any client matters on the effective date of the suspension, he must submit an affidavit to that effect to the Clerk of the Disciplinary System of the VSB. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 must be determined by the VSB Disciplinary Board.

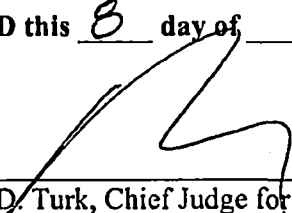
It is further **ORDERED** that the Clerk of the Disciplinary System of the VSB must assess all costs pursuant to Paragraph 13-9.E.

It is further **ORDERED** that the Clerk must send a copy teste of this order to Jared Ryan Jenkins, Respondent, at JenkinsEsq, PLLC, P.O. Box 1581, Lexington, Virginia 24450; Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219; and Joanne Fronfelter, Clerk of the Disciplinary System, Virginia State Bar, 111 East Main Street, Suite 700, Richmond, Virginia 23219.




The proceedings were transcribed by Angelique Showalter of Reporting Service, Inc., 57 South Main Street, Suite 202, Harrisonburg, Virginia 22801, phone number (540) 434-3232.

ENTERED this 8 day of FEB. 2024

  
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Robert M.D. Turk, Chief Judge for the Court

SEEN:

  
\_\_\_\_\_  
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SEEN and \_\_\_\_\_:

SIGNATURE WAIVED RMDT  
\_\_\_\_\_  
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